

REMARKS

Claims 1-17 are pending. Claims 6, 9, 15 and 17 have been amended to overcome the claim objections, the 35 USC 112 rejection and to improve form, but not for reasons related to patentability. No new matter is presented.

Claim 6 was objected to due to a minor informality. Claim 6 has been corrected and withdrawal of this objection is requested.

Claim 17 stands rejected under 35 USC 112, second paragraph, as being indefinite. Claim 17 has been amended. Claim 9 has also been amended to clarify the difference between the means for controlling the setting up and/or clearing of connections in the transport network and the claimed control device of claim 17. Accordingly, Applicants request that this rejection be withdrawn.

Claims 1-17 stand rejected under 35 USC 102(e) as being anticipated by Gardner, U.S. Patent No. 6,982,950.

Claims 1-17 are directed to a method and system for setting up and/or clearing a communications link via communication devices. Claim 1 recites “signaling the at least first and second type of communication devices to control the setting up and/or clearing of the communications link.” In the rejection of claim 1, the Examiner asserts that the first switching system 206 and the second switching system 208 correspond to the claimed first and second types of communication devices. Applicants submit that Gardner fails to teach the claimed first and second type of communication devices.

Claim 1 distinguishes between “switches” and “communication devices.” Gardner, on the other hand, teaches a tandem system 204 which connects calls between the switching systems 206 and 208 (col. 5, lines 42-43). A switching system is not the same as a communication device. Further, although Gardner may disclose sending messages identifying selected connections, Gardner does not teach signaling the first and second *types* of communication devices. Since Gardner does

not teach signaling the first and second *types* of communication devices, it cannot possibly teach that the signaling is done to control the setting up and/or clearing of the communications link. The Examiner has failed to consider the entire claim limitation in his rejection. Garner simply fails to teach or suggest this feature.

Claim 1 further recites “setting up and/or clearing the connection for the first type via at least one decentralized switching device.” The Examiner asserts that Gardner’s switching system 206 corresponds to the claimed decentralized switching device. Applicants note that the switching system 206 cannot correspond to both a type of communication device and a switching device, especially noting that these are different types of devices. The Examiner cannot assert that the same element in the prior art corresponds to two separate and distinctly different claim elements. This is an attempt to reconstruct the claimed invention in hindsight.

Claim 1 also recites “the signaling takes place from a central device.” Applicants submit that Gardner also fails to teach or suggest this feature. The signal processor taught by Gardner merely receives and processes call signaling (see col. 2, line 7 to 9). According to Gardner, signaling does not originate from the signal processor and does not take place in the processor.

For at least these reasons, the features of claim 1 are not taught or suggested by Gardner. Claim 9 recites substantially the same features recited in claim 1 and is allowable for the same reasons. The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122025500.

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Respectfully submitted,

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